

DISPOSITION: 12-15-58. Default—delivered to a Federal institution for its use and not for sale.

## FISH AND SHELLFISH

25211. Dried stockfish and rice. (F.D.C. No. 39974. S. Nos. 37-293/5 M.)

INFORMATION FILED: 12-2-58, S. Dist. N.Y., against Sun Warehouses, Inc., New York, N.Y., and Robert E. Dunn, Sr., president.

ALLEGED VIOLATION: Between 11-4-55 and 8-7-56, the defendants caused quantities of dried stockfish and rice, while held for sale after shipment in interstate commerce, to be stored under insanitary conditions whereby it became contaminated with filth.

CHARGE: 402(a)(3)—contained rodent excreta, rodent hairs, and insects; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-17-58. Corporation—\$3,000 fine; individual—\$1,500 fine.

25212. Frozen codfish, frozen whitefish, frozen buffalo fish, frozen mullets, and frozen frog legs. (F.D.C. No. 41929. S. Nos. 31-761 P, 31-763/4 P, 31-899/900 P.)

QUANTITY: 15 100-lb. cases of frozen codfish; 4 ctns., 382 lbs. total, of frozen whitefish; 7 boxes, 615 lbs. total, of frozen buffalo fish; 25 ctns., 1,290 lbs. total, of frozen mullets; and 4 ctns., 189 lbs. total, of frozen frog legs, at New York, N.Y.

SHIPPED: 7-17-57 (mulletts), from Jacksonville, Fla.; 2-3-58 and 2-8-58 (frog legs), from West Palm Beach, Fla.; 4-1-58 (buffalo fish), from New Iberia, La.; 5-10-58 (codfish), from Puerto Rico (this was a return shipment); and May or June, 1958 (whitefish), from Canada.

LIBELED: 8-1-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed fish and decomposed frog legs while held for sale.

DISPOSITION: 9-4-58. Default—destruction.

25213. Frozen whitefish. (F.D.C. No. 41993. S. Nos. 11-493/5 P.)

QUANTITY: 21 50-lb. boxes at Chicago, Ill.

SHIPPED: 8-5-58, from Winnipeg, Canada, by Booth Fisheries Canadian Co., Ltd., and by Keystone Fisheries, Ltd.

LABEL IN PART: "Product of Canada Cedar Lake Cert. 4049" or "Product of Canada Setting Lake Cert. #624 Med" or "Product of Canada South Indian Lake Med. Cert. #624."

LIBELED: 8-18-58, N. Dist. Ill.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 9-12-58. Consent—claimed by Pick-Shapiro Fisheries, Inc., Chicago, Ill., and returned to the shippers in Canada.

25214. Frozen whiting. (F.D.C. No. 42010. S. No. 43-981 P.)

QUANTITY: 384 cases, 5 10-lb. boxes each, at East Point, Ga.

SHIPPED: 7-18-58, from Gloucester, Mass., by Consolidated Fisheries Corp.

**LABEL IN PART:** (Case) "Gloucester's Pride Choice Dressed Whiting 5-11 Lb. Pkgs. 50 Lbs. Net Packed Frozen & Guaranteed by Consolidated Fisheries Corp., Gloucester, Mass."; and (some ctns.) "H & G Whiting."

**LIBELED:** 8-27-58, N. Dist. Ga.

**CHARGE:** 403(a)—the statements "Choice Dressed Whiting" and "H & G Whiting" appearing on the labels of the article, when shipped, were false and misleading as applied to fish which were not headless, were only partly eviscerated, and were not of choice quality; 403(e)—a portion of the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(i)(1)—a portion of the article failed to bear a label containing the common or usual name of the article.

**DISPOSITION:** 9-25-58. Consolidated Fisheries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reprocessing.

On 2-16-59, it appeared to the court that the claimant had no intention of filing a bond or of completing the other requirements of the consent decree of condemnation. Therefore, an order was entered setting aside the consent decree and providing for the condemnation and destruction of the article.

**25215. Frozen whitefish. (F.D.C. No. 42005. S. No. 13-373 P.)**

**QUANTITY:** 8 50-lb. boxes at Chicago, Ill.

**SHIPPED:** 8-12-58, from Winnipeg, Canada, by Booth Fisheries, Ltd.

**LABEL IN PART:** "Large Whitefish \* \* \* South Indian Lake 806 \* \* \* Booth Fisheries, Ltd., Winnipeg, Canada."

**LIBELED:** 8-27-58, N. Dist. Ill.

**CHARGE:** 402(a)(3)—contained parasitic cysts when shipped.

**DISPOSITION:** 10-1-58. Default—destruction.

**25216. Fresh whitefish. (F.D.C. No. 42004. S. Nos. 13-371/2 P.)**

**QUANTITY:** 27 50-lb. boxes at Chicago, Ill.

**SHIPPED:** 8-12-58, from Winnipeg, Canada, by Keystone Fisheries, Ltd.

**LABEL IN PART:** "Med. [or 'Large'] Whitefish \* \* \* South Indian Lake 809."

**LIBELED:** 8-27-58, N. Dist. Ill.

**CHARGE:** 402(a)(3)—contained parasitic cysts when shipped.

**DISPOSITION:** 10-17-58. Consent—claimed by Pick-Shapiro Fisheries, Inc. Chicago, Ill., and exported to Canada.

**25217. Fresh whitefish. (F.D.C. No. 42085. S. No. 11-719 P.)**

**QUANTITY:** 21 50-lb. boxes at Detroit, Mich.

**SHIPPED:** 8-2-58, from Winnipeg, Canada, by Booth Fisheries Canadian Co. Ltd.

**LABEL IN PART:** "Cedar Lake Man Booth Fisheries Winnipeg—Medium DSI Whites 4047."

**LIBELED:** 8-13-58, E. Dist. Mich.

**CHARGE:** 402(a)(3)—contained parasitic cysts when shipped.

**DISPOSITION:** 11-6-58. Default—destruction.